

CHAPTER THREE

ZONING DISTRICT

Section 3-10 Zoning District - Traditional zoning ordinances create various districts with different use standards to accomplish the segregation of incompatible land uses. The Unified Development Codes accomplish this purpose with use permits and performance standards based on absolute and relative policies. Consequently, the Christian County development codes create only one district, which includes all of Christian County. The Christian County Planning and Zoning Commission recognizes the adopted Urban Services Areas that have been approved by the incorporated communities within Christian County. Christian County Planning and Zoning staff will contact the appropriate municipality's staff in order to allow for the provision of a review and feedback on all proposals located within the designated Urban Services Area.

Section 3-15 Urban Service Areas

- A. Purpose** - Continued growth in Christian County and its incorporated communities creates a need for increased coordination between County and City Governments resulting in better management and control of land use and development. Designating, maintaining, and enhancing areas for urban development in a thoughtful and deliberate way involve coordinated land use, transportation, and natural resource planning between governmental entities. Concentrating urban land uses and densities in areas specifically designated for such development affords greater efficiency in the delivery of services such as a potable water, stormwater management, sanitary sewer, street right-of-way maintenance, design specifications, and right-of-way maintenance and management. Coordinated planning efforts also present a measure of predictability to landowners and residents concerning where future public services will be provided and urban level land use densities will be permitted.
- B. Recognition of Community Comprehensive Plans and USA's** - Traditional zoning ordinances create various districts with different use standards to accomplish the segregation of incompatible land uses. The Unified Development Codes accomplish this purpose with use permits and performance standards based on absolute and relative policies. Consequently, the Christian County development codes create only one district, which includes all of Christian County. The Christian County Planning and Zoning Commission recognizes the adopted Comprehensive Plans and Urban Services Areas (USA) Tier one, two, and three that have been approved by the incorporated communities within Christian County. Therefore, where the cooperation between Christian County and it's incorporated communities is authorized by the constitution and laws of the State of Missouri, it is determined by this Planning and Zoning Commission that for the purposes of:

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1. Establishing effective coordination procedures between Christian County and its municipalities regarding the urbanization of rural areas;
2. Assuring that local and regional comprehensive plans are followed;
3. Assuring that urban development densities occur only as urban level facilities and services are able to be provided;
4. Assuring that urban development occurs only within and/or adjacent to the incorporated areas within the County;
5. Assuring that property owners serviced by municipal services agree to annex said properties into the corporate limits of the municipality once the property in question becomes compact and contiguous to said municipality for the purpose of assuring the affordable and effective maintenance of public improvements; and
6. Assuring that land use and development in the vicinity of an incorporated community does not negatively impact road and storm drainage systems and said public improvements follow the most recent design guidelines for such public improvements; and

That the standards, definitions, and procedures set forth in this Chapter shall promote increased coordination and result in better management of urban level development for the purpose of achieving a more healthy and sustainable Christian County.

Section 3-20 Definitions

- A. **Urban Service Area (USA)** - An area outside, of an incorporated community's city limits in which a comprehensive land use and infrastructure master plan has been adopted for the purpose of effectively managing land use in a sustainable manner by applying sound planning principals to land use decisions and where each incorporated community considers to be that area where the greatest local level of public investment for installation and/or maintenance of capital improvements existing or is planned in the next 1-5 years. The USA boundary shall consist of planning "Tiers" one, two, and three based on adopted comprehensive master plans.
- B. **Tier One: Urban Service Area** - An area where the incorporated community can, is willing, or intends to annex and offer access to public water and sewer infrastructure for property deemed appropriate for urban level development. (Generally a 1-5 year plan).

- C. **Tier Two: Rural/Low Density Planning Area** - An area beyond Tier 1 that a city recognizes in their comprehensive land use plan but that is not within reasonable proximity to be serviced by public water and sewer infrastructure without significant off site private assistance. This area, although in advance of urban level development proposals shall require Christian County decision makers to refer to local and regional plans prior to approving development proposals.
- D. **Tier Three: Extended Planning Area (Agricultural)** - An area beyond Tier One and Tier Two that is recognized in a community's comprehensive plan as a future urbanized area where public services will be provided at a later date. Generally, it is assumed that this area will not be developed within the immediate 10-years with urban level densities due to the lack of urban level public services such as water and sewer. The Christian County Planning and Zoning Commission shall evaluate development proposals within this Tier to ensure compliance with local, county, and regional comprehensive plans.
- E. **Irrevocable Consent Agreement to Annexation** - An agreement between a property owner and a municipality which states that a particular parcel of property may connect to available public services as long as the developers of said property agree to follow all municipal development regulations and allow said property to be annexed into the municipality providing public services at such time it becomes contiguous to the corporate limits of that municipality.

Section 3-30: Establishment of USA Boundaries - Any incorporated community wishing to create a USA shall meet the following requirements:

- A. Have an adopted Comprehensive Land Use and Infrastructure Master Plan.
- B. Submit a map identifying the geographic boundary of the proposed USA planning tiers 1, 2, and 3 to the Christian County Planning and Zoning Commission.
- C. Have the proposed USA boundary approved by the County Planning and Zoning Commission.

Section 3-40: Standards for Subdivision & Development within a Tier 1 USA - For the purpose of simplifying the development processes Christian County agrees to forward all development proposals within this designated area to the appropriate municipality. Those properties not compact and contiguous which cannot be immediately annexed shall be required to enter into an irrevocable consent to annex agreement, as defined by this Chapter, with the appropriate municipality. All development guidelines, processes, and fees of the municipality shall apply unless otherwise exempted by this section.

- A. A request to develop property within this designated area shall be required to contact the appropriate municipality and follow all policies, procedures, zoning, subdivision, and public improvement design guidelines of said municipality's comprehensive plan, infrastructure design guidelines, and code of ordinances.

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- B. No Division I, II, or III subdivision application shall be allowed proposing lots of record less than ten (10) acres in size unless the exemptions stated in this section exist, or a written recommendation from the municipality has been provided. Once documentation is obtained, the county planning and zoning department shall proceed with their regular application process.
- C. The Christian County Planning and Zoning Department agrees not to issue new Division I, II, or III land use permits within this designated area unless the exemptions stated in this section exist, or a written recommendation from the municipality has been provided. Once documentation is obtained, the county planning and zoning department shall proceed with their regular application process.
- D. Any property contiguous to a municipality's corporate limits requesting to develop, obtain permits or connect to public services from said municipality shall first be required to annex the property in question in accordance with State and Local annexation laws.
- E. Commercial and Industrial development of property on which an irrevocable consent to annex agreement has been negotiated between the municipality and landowner shall require all structures having property lines within 1320 (a quarter of a mile) linear feet of public services to connect to said services. At such time the property becomes contiguous to a municipality's city limits the city, at its discretion, shall annex said property. The cost of extending public services shall be at the expense of the applicant unless a cost sharing agreement is negotiated with the municipality.
- F. Where the USA boundaries of different adjacent municipalities overlap, the municipality willing and able to provide public infrastructure services shall be the jurisdiction to annex or consent to annex said property.
- G. **Exemptions:** Division I application for single family residential dwellings that do not require subdivision of property and the proposed structure is not within 300 linear feet of an existing public utility shall obtain a land use and building permit from the appropriate County Departments.

Section 3-50: Standards for Subdivision & Development within a Tier 2 & 3 USA

- A. If the subject property is within a defined Tier 2 or 3 planning area the Christian County Planning and Zoning Department shall follow regular County permitting procedures. Christian County staff shall inform, in writing, the nearest municipality of any application within these designated areas and include the municipality's comments, if any, in the application for Planning and Zoning Commission review.
- B. Proposed developments within these designated areas shall comply with the Ozark Transportation Organization (OTO) Major Thoroughfare Plan.
- C. Proposed developments within these designated areas shall comply, with local and regional comprehensive plans.

- D.** Incorporated municipalities reserve the right to NOT annex any right-of-way of any County Road until such road is improved to the affected municipality's design standards, provided, however, if a municipality annexes property contiguous to and on both sides of a County Road then the Municipality shall annex said Road and right of way. Annexation on both sides of a County Road shall not constitute a transfer of right-of-way ownership and maintenance responsibility of said roadway from the County to the annexing municipality. Notwithstanding the foregoing, if a municipality shall annex property contiguous to and on both sides of a Special Road District road said annexation shall not constitute a transfer of right-of-way ownership or maintenance responsibility of said roadway from one governmental entity to another without the written consent of both governmental entities. Improvements to such County Roads may be made by Developer's of land adjacent to the right-of-way; joint projects with the County, City and Developer; or joint projects with the County and the City. This section does not supercede any Intergovernmental Governmental Agreement.
- E.** Any amendments to this Section, including the USA map, shall be in accordance with established growth policies of both the City and County comprehensive plans.
- F.** Any proposed amendment to this Section, including the USA map, shall require written notification from Christian County Staff to any City potentially affected by such amendment prior to the approval by both the Christian County Commissioners and Planning and Zoning Commission.

Figure 3-1
Combined Ozark and Nixa Urban Planning Tiers

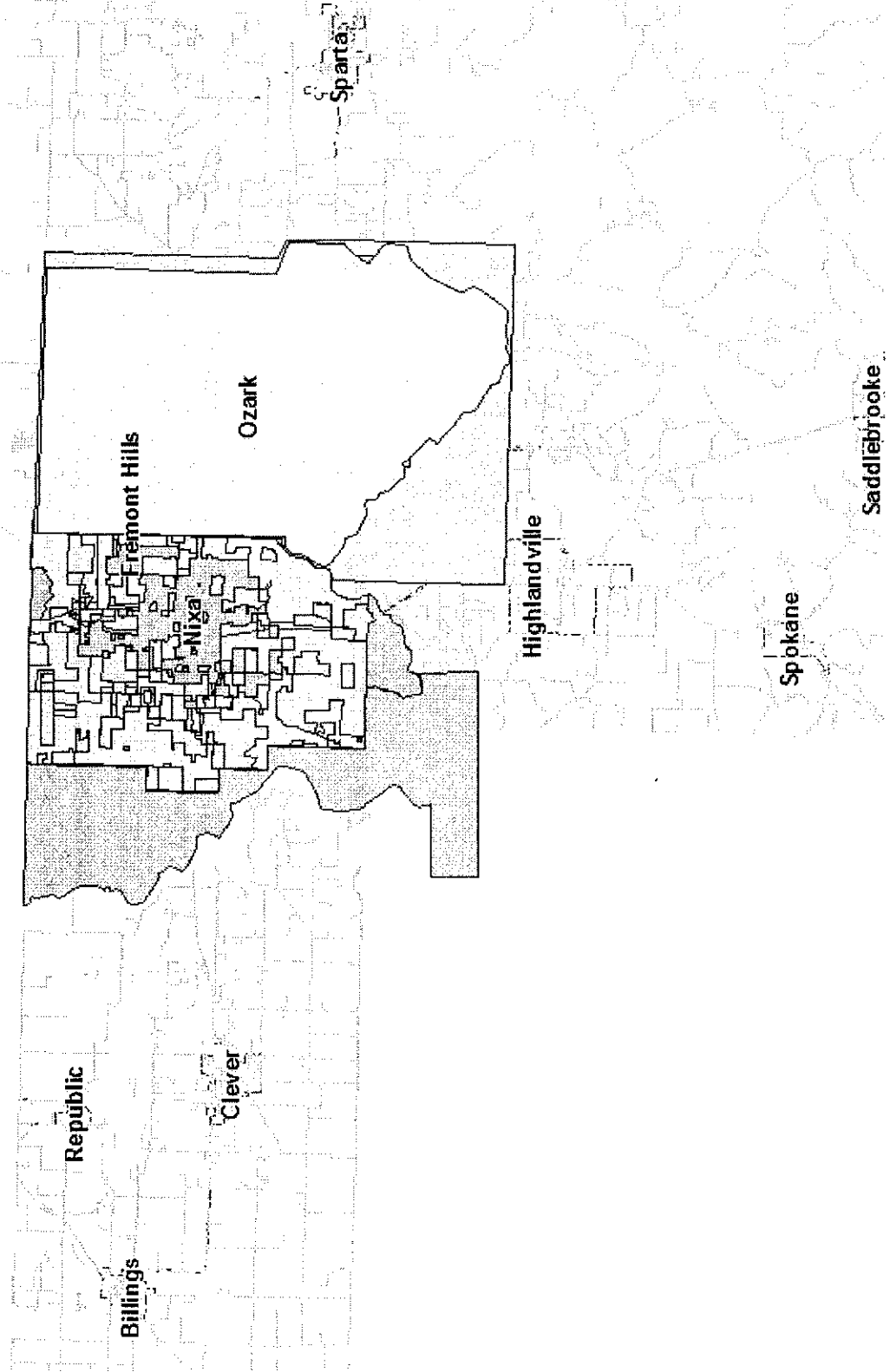


Figure 3-2
City of Ozark Urban Planning Tiers

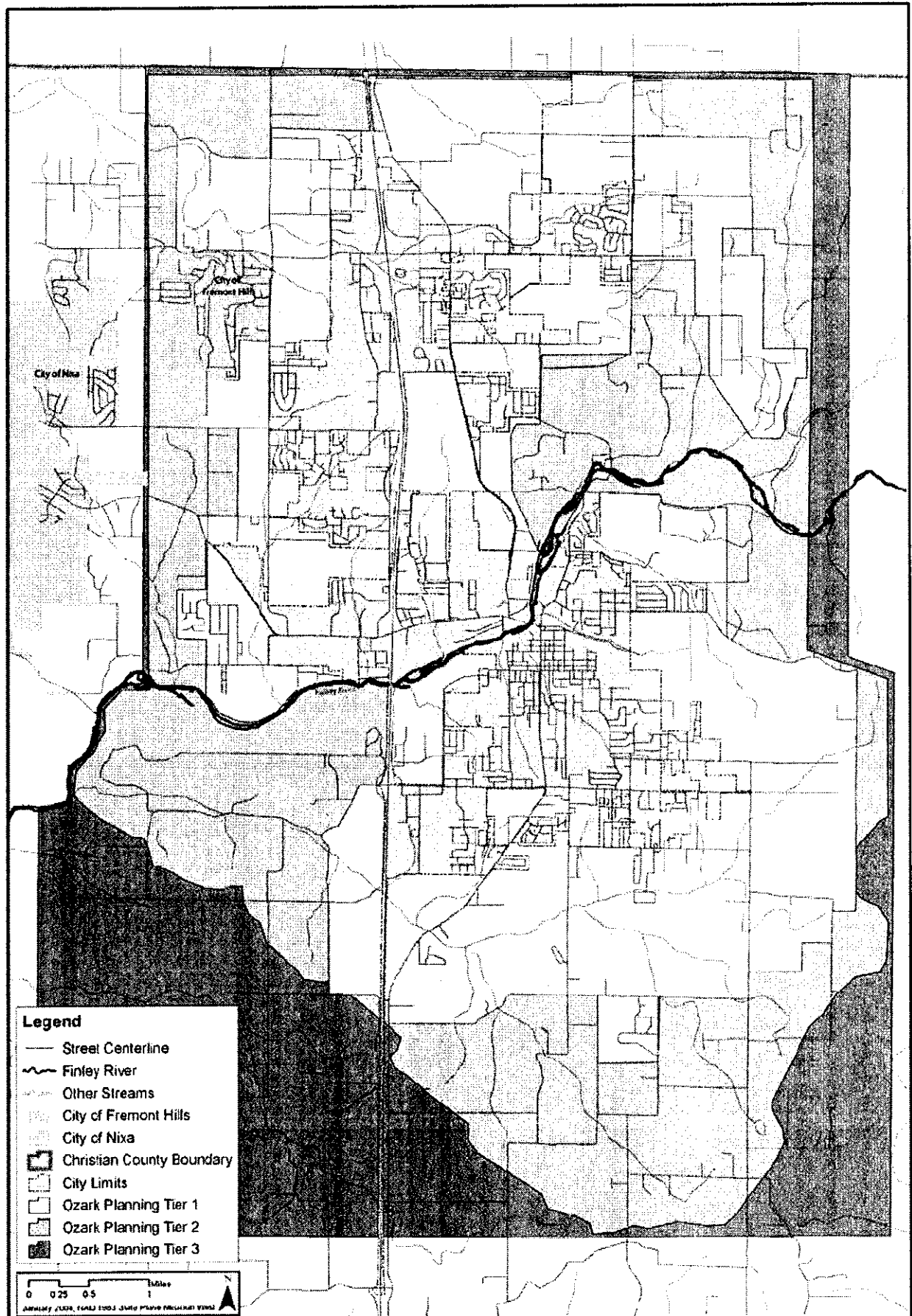


Figure 3-3
City of Nixa Urban Planning Tiers

3-Tier Planning Area

